

<b>Examiner-Initiated Interview Summary</b>	<b>Application No.</b> 10/620,522	<b>Applicant(s)</b> STALLINGS, JIMMIE L.	
	<b>Examiner</b> Darren W. Ark	<b>Art Unit</b> 3643	

**All Participants:**

(1) Darren W. Ark.

(2) Allen F. Bennett.

**Status of Application:** \_\_\_\_\_

(3) \_\_\_\_\_.

(4) \_\_\_\_\_.

**Date of Interview:** 21 January 2005

**Time:** 3:00pm EST

**Type of Interview:**

- ☒ Telephonic  
☐ Video Conference  
☐ Personal (Copy given to: ☐ Applicant ☐ Applicant's representative)

**Exhibit Shown or Demonstrated:** ☐ Yes ☒ No

If Yes, provide a brief description:

**Part I.**

**Rejection(s) discussed:**

*Rejections in the Final Action mailed 10/28/04*

**Claims discussed:**

*1, 14, 15, 16, and 18*

**Prior art documents discussed:**

*Prior art of record*

**Part II.**

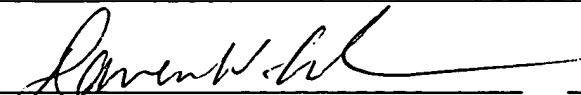
**SUBSTANCE OF INTERVIEW DESCRIBING THE GENERAL NATURE OF WHAT WAS DISCUSSED:**

*See Continuation Sheet*

**Part III.**

- ☒ It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview directly resulted in the allowance of the application. The examiner will provide a written summary of the substance of the interview in the Notice of Allowability.  
☐ It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview did not result in resolution of all issues. A brief summary by the examiner appears in Part II above.

**DARREN W. ARK**  
**PRIMARY EXAMINER**

  
(Examiner/SPE Signature)

\_\_\_\_\_  
(Applicant/Applicant's Representative Signature – if appropriate)

Continuation of Substance of Interview including description of the general nature of what was discussed: Examiner stated that the claims need to be more specific with regard to the method of use of the pressurized canister in that it is to be used in a bore in a tree with an insect therein to crush or displace it by releasing the contents of the pressurized canister. Also the limitations with regard to the contents and pressurization of the canister by themselves are old and well known as evidenced by the Diamond '317 patent which discloses various gas propellants which may be used in a canister under the pressures as recited in the claims. Examiner stated that the Naber patent discloses the use of a propellant comprising air to squash insects. In regard to the applicant's proposal to amend claim 1 by limiting the environment to a tree bore defines the desired invention over the prior art of record. Examiner stated in claim 1, line 4, the phrase "and not having disposed therein" renders the claim vague and indefinite since it appears to be incomplete and should be removed. Examiner stated in regard to claim 14, the phrase "substantially increasing the air pressure within the internal portion of the tree bore" renders the claim vague and indefinite since it does not relate back to the step of providing the canister, that is it does not recite using the canister to increase the air pressure within the bore in the tree. Claim 14 should be constructed similarly to claim 1 in the manner in which the canister is positively recited in use to increase the pressure in the bore by placing the nozzle of the canister in the bore and causing the valve to be displaced and thereby eject the propellant which causes the increase in pressure in order to overcome a 35 U.S.C. 112, 2nd paragraph problem in that the method is not being clearly set forth. Examiner stated that in regard to claim 14, line 4, the first occurrence of the term "said" should be changed to --the--. Examiner will take these proposed changes and incorporate them into an Examiner's Amendment (see Examiner's Amendment for details).